

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

WILLIAM ANTHONY HEMBY, Plaintiff, vs. MARTIN O'MALLEY, ACTING COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION, Defendant.	5:23-CV-05029-DW ORDER GRANTING MOTION FOR ATTORNEY FEES
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Plaintiff William Anthony Hemby filed a motion for attorney's fees pursuant to 28 U.S.C. § 2412, the Equal Access to Justice Act ("EAJA"). (Doc. 15). The Defendant does not oppose the request. Accordingly, it is

ORDERED that Plaintiff's motion (Doc. 15) is granted. It is further

ORDERED that Plaintiff is entitled to costs in the sum of \$402.00 which is the court filing fees to be paid from the Judgment Fund pursuant to 28 U.S.C. § 1920. It is further

ORDERED that Plaintiff is entitled to attorney's fees in the sum of \$5,552.62 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. It is further

ORDERED that under Astrue v. Ratliff, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by the court belong to the Plaintiff and are subject to offset under the Treasury Offset Program, 31 U.S.C. § 3716(c)(3)(B) (2006). It is further

ORDERED that the EAJA fees shall be paid to Plaintiff William Anthony Hemby, but delivered to Plaintiff's attorney, Mario A. Pacella, 6923 N. Trenholm Rd., Suite 200, Columbia, South Carolina 29206.

DATED this 18th day of December, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Daneta Wollmann', written over a horizontal line.

DANETA WOLLMANN
United States Magistrate Judge